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TAGS: [KDEM](#) [PGOV](#) [IZ](#)
SUBJECT: HASHIMI REQUESTS U.S., UN HELP ON RULE OF LAW

REF: A. REF: A. BAGHDAD 320
[1](#)B. REF: B. BAGHDAD 333

Classified By: Charge d'Affaires, a.i., Robert S. Ford for reasons 1.4(b) and (d).

1.(C) SUMMARY: A dejected but defiant Vice President Tariq al-Hashimi summoned CDA February 15 to urge stronger support from the United States and the international community to guarantee rule of law in Iraq's political process. Hashimi suggested that the United States and others weigh in with statements at the UN (ideally on the margins of SRSG Melkert,s February 16 report to the UNSC) rejecting the lawlessness of the current de-Ba,athification and calling for adherence to the rule of law. CDA stressed the U.S. commitment to help Iraqi democracy gradually develop and urged that Hashimi and his allies work with other Iraqi political blocs to ensure a level playing field. Hashimi said he had written to fellow members of the Presidency Council to try to forge an internal consensus against recent action of the Cassation Chamber, but that no one had responded yet. He expressed openness to join with other political leaders on the Iraqiyya idea of a "Code of Conduct" as one means to improve the overall political atmosphere and publicly recommit all parties to the rule of law and a fair election. Hashimi implied that Iraqiyya was keeping open the possibility of a boycott. CDA strongly counseled against a boycott, reminding Hashimi of how the January 2005 boycott had hurt Hashimi and his constituency. On the Salah ad-Din crisis, asked why the Presidency Council had not issued a decree in accordance with the rule of law, Hashimi demurred, saying it was a situation that required a political solution. CDA noted that there is a time for politics but also a time for everyone to follow the law, including the Presidency Council. END COMMENT.

HASHIMI: WE NEED INTERNATIONAL SUPPORT FOR RULE OF LAW

2.(C) VP Hashimi summoned CDA February 15 to urge stronger U.S. and international support to guarantee respect for rule of law in Iraq's political process because "we've done all we can." Hashimi argued that the Security Agreement obligated the United States to take a more active unilateral role in guaranteeing democratic process in Iraq. Hashimi also sought U.S. support for a possible statement at the UNSC on February 16 (on the margins of SRSG Melkert,s report to the Security Council) rejecting the AJC and condemning rule of law violations in Iraq. He said that the EU had told him (verbally) that it might not be able to recognize the elections' legitimacy if some actors continued to flout legal process. CDA stressed the U.S. commitment to helping Iraq build a democracy over time. The U.S. would stay interested and involved. He cautioned, however, that the U.S. was not yet willing to call the election process discredited.

[1](#)3. (C) Hashimi expressed deep frustration with the continuing machinations of Ahmad Chalabi and Ali al-Lami, arguing that the 2008 Accountability and Justice Law had terminated the

previous de-Ba'athification committee. He said his lawyer had prepared a brief arguing that Saleh al-Mutlaq's disqualification was illegal, and passed us the supporting documents. Hashimi also said he had lost confidence in Chief Judge Medhat al-Mahmoud, describing him as biased, unfair, and "afraid of Maliki." Throughout Iraq's modern history the people respected the judiciary, but for the first time there was a lack of respect for the Cassation Chamber's rulings. "If we allow what happened to go forward, I have no hope for Q" If we allow what happened to go forward, I have no hope for my country. Simple as that," he said.

IRANIAN AMBASSADOR: IRAQIS HATE BA'ATHISTS AND AMERICANS

14. (C) Hashimi noted that when he had received the Iranian Ambassador on February 14, he had condemned Iranian premier Mahmoud Ahmedinejad's recent remarks in Tehran and said he would not tolerate Iranian interference in Iraq's affairs. According to Hashimi, Ambassador Gomi asserted that the Americans and the media had distorted Ahmedinejad's remarks. Hashimi said he told Gomi he had watched the speech himself and knew what it said, and then asked him why he was "creating chaos" in Iraq. Gomi commented at one point that "The Iraqi people hate two things: Ba'athists and Americans -- and soon we will be rid of both."

HASHIMI: "ALL OPTIONS ON THE TABLE"

15. (C) Hashimi said Iraqiyya was intent on participating in the political process. However, if it became clear that ongoing "pressure" could "destroy his image" by preventing people from voting for him and making his support base seem weak, he would reconsider. Hashimi worried that intimidation of Iraqiyya constituents would preclude free and fair elections and did not rule out the possibility of an Iraqiyya boycott. He promised to provide us with specific examples to back up MP Maysoun Damluji's recent press statement alleging harassment of Iraqiyya affiliates in the provinces of Nasariyah, Diyala, and Salah ad-Din. CDA pressed Hashimi on the inadvisability of boycotting. He noted that the latest polls suggest Iraqiyya will score well and have a strong presence in the parliament. He recalled how the January 2005 Sunni Arab boycott had hurt Hashimi and his constituency. (Hashimi did not argue.)

16. (C) In line with the four demands made by Iraqiyya in its February 13 statement, Hashimi said he had written to the other members of the Presidency (President Talabani, PM Maliki, Speaker Samarraie) requesting a meeting of the group in order to discuss a political solution to restore the rule of law. No one had yet responded, Hashimi said. Iraqiyya had also requested that Speaker Samarraie convene a special session of the Council of Representatives to discuss the issue, but had not heard a response from the Speaker either. Pointing to the lack of his colleagues' response to the demand for adherence to the rule of law, Hashimi underscored that it was incumbent upon the United States to force a course correction. CDA pointed to the Iraqiyya idea of the political parties agreeing on an election "Code of Conduct." A broadly agreed statement would be more likely to garner the broad international support Hashimi sought, CDA observed. He pledged to encourage other parties to discuss the idea with Iraqiyya.

17. (C) COMMENT: Hashimi's comments and the evolution of the de-Ba'athification process illustrate how governance in Iraq is animated by the dynamic between nascent rule of law and the continuing reliance on political consensus. The result is that the political process here is fraught with complexity and, often, contradiction, with players favoring alternately one over the other depending on the situation. For instance, at the tail end of our meeting with Hashimi and encouraged by his spirited defense of the rule of law, we parenthetically asked whether the Presidency Council would abide by the rule of law by issuing a decree authorizing the duly elected new governor of Salah ad-Din province (REFS A and B); Hashimi

demurred, acknowledging the law was clear but that political consensus was necessary. He didn't argue when CDA noted that sometimes there is too much politics and not enough application of the law, even at the Presidency Council. END COMMENT.
FORD